



# Marin Local Agency Formation Commission

## Regional Service Planning | Subdivision of the State of California

### NOTICE OF POLICY AND PERSONNEL COMMITTEE MEETING MINUTES Marin Local Agency Formation Commission

**MONDAY, AUGUST 26, 2024**

#### **CALL TO ORDER**

Chair Chu called the meeting to order at 1:30 P.M.

#### **ROLL CALL BY COMMISSION CLERK**

Roll was taken and quorum was met. The following were in attendance:

Commissioners Present:           Larry Chu  
  Barbara Coler  
  Eric Lucan

Alternate Commissioners Present: N/A

Marin LAFCo Staff Present:       Jason Fried, Executive Officer  
  Claire Devereux, Clerk/Jr. Policy Analyst

Marin LAFCo Counsel Present:    Laura Fowler

Commissioners Absent:            N/A

Alternate Members Absent:       N/A

#### **AGENDA REVIEW**

Approved: M/S by Commissioners Coler and Lucan to Approve the Agenda

Ayes:       Commissioners Coler, Chu, and Lucan

Nays:

Abstain:

Absent:

Motion approved unanimously.

#### **PUBLIC OPEN TIME**

Chair Chu opened the public open period. Hearing no request to speak, the Chair closed the public open time.

#### **BUSINESS ITEMS**

##### **1. Approval of July 2024 Meeting Minutes**

Approved: M/S by Commissioners Lucan and Coler to approve the minutes with a contextual change to a question made by Chair Chu

Ayes: Commissioners Coler, Lucan, and Chu

Nays:

Abstain:

Absent:

Motion approved unanimously.

##### **2. Discussion of Possible Amendments to the Personnel Handbook**

Counsel Fowler began with section 2.3 and addressed Chair Chu's suggestion to use different terminology than "periodic training," since it is usually provided annually or biannually. Training is required every two years. Fowler suggested the change be that "participating in periodic training at least once every two years."

Chair Chu stated he was good with that.

**2.4-2.5 (combine and shorten)**

Commissioner Coler said the shortening looked good but inquired what would be done if an employee with a reasonable accommodation still cannot perform the essential function.

Counsel Fowler stated that it depends on the circumstances and that what is reasonable for the State of California as an employer may differ from what is reasonable for the commission. A suggested change would be “available accommodations will be impacted by the size of the organization and the availability of alternate work.”

Commissioner Coler suggested adding wording about essential functions.

Counselor Fowler said it states already, “if you require an accommodation to perform the essential functions,” continuing to say that the employee still must be able to perform essential functions, agreeing that adding wording on those two suggestions is good.

Commissioner Coler stated she agrees with the shortened version and inquired about fitness for duty and suggested a third party make the decision and add wording for that.

Fowler stated the nature of the fitness-for-duty doctor, noting that the employees’ doctor will be consulted first, followed by a fitness-for-duty doctor chosen by the commission. It will be helpful to specify that. However, the true nature of a fitness-for-duty doctor cannot be spelled out in advance because the situation is unknown.

**2.6-2.7 and 4.1f.1(b)**

Commissioners agreed with the changes.

**6.1c (review).**

Commissioner Coler inquired whether the workweek is really Sunday at midnight to Saturday noon.

Counsel Fowler stated that the work week must be defined, and that does not mean when work starts, that this is a standard work week.

Commissioners agreed with changes to 6.1c

**7.1b (review).**

Commissioner Coler pointed out that counsel’s suggested change to the probation period was 3 months, but the EO suggested it remain 6 months. She continued to state she did not have a problem with not changing it but inquired as to why.

EO Fried stated that 6 months is the official review and date and that is when the official review occurs. Legal counsel is suggesting a three-month review be done in addition to the six-month review. Does the Commission want two reviews to be done?

Chair Chu asked what would be done if an employee is underperforming for 3 months.

EO Fried stated that it is his understanding that he can call a review at any time in the 6 months and that if a review does not seem beneficial the employee can be let go at any point in those 6 months.

Commissioners agreed with Jason’s recommendation of leaving it for 6 months.

Counsel Fowler suggested a change of wording to “On or before the completion of six months of a probationary period, the Executive Officer will prepare and sign a performance evaluation. The purpose of the probationary performance evaluation is to chart the probationer’s progress toward meeting the standards of his or her position.”

Commissioners agreed with the wording change.

**8.3, 8.5d, 9.1g**

Commissioners agreed with the changes.

**10.1 Skully Conference**

Commissioner Coler brought up the Skully Conference and having the EO do the Skully and discipline being a conflict of interest.

Counsel Fowler talked through the skully process. Fowler agreed that the EO should not wear all the hats and will find new wording to add that into the policy. Counsel continued to state there is no legal reason the EO cannot make the designation.

**10.1b(e), 10.1d(a), 10.1d(k), 11.1 (b) and (c), 12.2 (review).**

Commissioners agreed with the changes.

**12.4d (review)**

Commissioner Chu mentioned the cuts made by the section.

Counsel Fowler stated that these problems do not occur often, and they are privacy sensitive. Additionally, stating that pre-employment testing when there are safety-sensitive employees does not apply to office employees, which means the ability to evaluate prior to employment does not apply.

Commissioners agreed with the changes.

**Hybrid Work Policy**

Commissioner Coler stated parts of the North Marin Water District are more formal and proactive. Suggesting the incorporation of more of those into our policy. Additionally, include a limit on how many days a week can be work from home days.

Commissioner Lucan asked if an employee never came into the office does that create a problem or expectation for the EO and what EO Fried's thoughts are.

EO Fried stated that he looks at this in two ways, one being what is needed to function as an organization and what/how it can limit recruitment abilities in the future.

Commissioner Lucan asked where in the policy is digression given to the EO to say he approves their remote days/hours.

EO Fried agreed and stated he will add verbiage that will place remote day/hours will be at the digression of the officer.

Commissioner Coler named the benefits of working in person and how having a required minimum day in office good. Wrapping up Coler stated having Jason add more detail to the policy that reflects some of the North Marin Water District.

Commissioner Coler inquired if Marin LAFCo is liable for any injuries incurred while working from home while doing work tasks.

Commissioner Fowler stated that yes, if an injury is incurred while performing work tasks while working from home, the commission would be liable.

Commissioner Coler asked that the health and safety conditions of the home work environment be included in the policy as well.

Approved: M/S by Commissioners Coler and Lucan to approve the policy handbook with discussed changes.

Ayes: Commissioner Coler, Lucan and Chu

Nays:

Abstain:

Absent:

Motion approved unanimously.

### **COMMISSIONER ANNOUNCEMENTS AND REQUESTS**

EO Fried asked if there was anything in the policy handbook that may need to be changed.

Chair Chu stated that any changes he suggested are not urgent and are to remove ambiguity, and they can be done next year.

No other announcement or requests were made.

Chair Chu adjourned the meeting at 3:40 P.M.

### **ADJOURNMENT TO NEXT MEETING**

TBD

*Claire Devereux*

Attest: Claire Devereux  
Clerk/Junior Analyst